

## THIRTY-THIRD DAY

## Wednesday, March 17, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:43 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawai'i State Senate, after which the Roll was called showing all Senators present with the exception of Senator Hemmings who was excused.

The President announced that she had read and approved the Journal of the Thirty-Second Day.

At this time, the following introductions were made to the members of the Senate:

Senator Sakamoto introduced Mr. Ronn Nozoe, Deputy Superintendent of the Department of Education.

Senator Sakamoto, with the assistance of Senators Tokuda and Kim, congratulated and introduced the following 2009 Principals of the Year: Principal Francine Honda, Kailua High School (2009 High School Principal of the Year); and Principal Tom Kurashige, 'Aiea Intermediate School (2009 Middle/Elementary School Principal of the Year).

Senator Sakamoto, with the assistance of Senators Espero, Ige, and Fukunaga congratulated and introduced the principals of the 2010 Hawai'i Blue Ribbon Schools: Principal Sherry Lee Kobayashi, Ewa Beach Elementary School; and Principal Doreen Higa, Momilani Elementary School. Also commended was Principal Ann Sugibayashi, Royal Elementary School, who was not able to attend.

Principal Kobayashi was accompanied by her husband Mr. Derek Kobayashi and son Kelsey; friend Jody Nakasone; fellow Ewa Beach Elementary School teachers Anna Agosto, Susan Nakasone, Tracey Matsui, and Derek Santos; School Community Council Parent Representatives Charline Blair and Kevin Rathbun; and students Myron Tagovailoa, Samuel Bajar, Zane Barr-Rauschenburg, and Jerelle Carino.

Principal Higa was accompanied by students Daylen Masaki, Tiara Tashiro, Kaile Yasui; fellow teachers Ms. Maile Yasui, Mr. Todd Tashiro; and PTSA President Mr. Dave Masaki.

Senator Ihara recognized and congratulated the Hawai'i State Legislature's Public Access Room on its 20<sup>th</sup> anniversary. Representing the Public Access Room were Suzanne Marinelli, Coordinator, and Ken Takayama, Director of the Legislative Reference Bureau. Also recognized were Assistant Coordinator Virginia Beck and staff members Sherrie Sato and Larry Kamakawiwoole.

At 12:04 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 361 to 364) were read by the Clerk and were placed on file:

Gov. Msg. No. 361, informing the Senate that on March 16, 2010, the Governor signed into law Senate Bill No. 549, S.D. 1, H.D. 1 as Act 5, entitled: "RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT."

Gov. Msg. No. 362, informing the Senate that on March 16, 2010, the Governor signed into law Senate Bill No. 2017 as

Act 6, entitled: "RELATING TO INSURANCE CLAIMS ADJUSTERS."

Gov. Msg. No. 363, dated March 12, 2010, transmitting a Report on the Spouse and Child Abuse Special Account, prepared by the Department of Human Services, Social Services Division, pursuant to Section 346-7.5, HRS.

Gov. Msg. No. 364, dated March 12, 2010, transmitting the Seven-Year TANF Financial Plan Showing the Past, Current, and Planned Expenditures and the TANF Federal Fund Reserve, prepared by the Department of Human Services pursuant to Act 162, Section 156, SLH 2009.

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 268) was placed on file:

Hse. Com. No. 268, informing the Senate that on March 16, 2010, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2028 (S.D. 1);  
H.B. No. 2136 (S.D. 1);  
H.B. No. 2546 (S.D. 1); and  
H.B. No. 2708, H.D. 1 (S.D. 1).

## STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2734) recommending that H.B. No. 2417, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2417, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and English, for the Committee on Energy and Environment and the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2735) recommending that H.B. No. 2922, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2922, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senators Espero and Baker, for the Committee on Public Safety and Military Affairs and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 2736) recommending that H.B. No. 1944, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 1944, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Nishihara, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2737) recommending that H.B. No. 2445, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2445, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2738) recommending that H.B. No. 2381, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2381, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2739) recommending that H.B. No. 1854, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Ige, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2740) recommending that H.B. No. 2688, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2688, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and English, for the Committee on Energy and Environment and the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2741) recommending that H.B. No. 2644, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2644, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2742) recommending that H.B. No. 2832, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2832, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2743) recommending that H.B. No. 2533, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2533, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2744) recommending that H.B. No. 2919, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2919, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2745) recommending that H.B. No. 2937, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2937, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and English, for the Committee on Tourism and the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2746) recommending that H.B. No. 2598, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2598, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Hee and Sakamoto, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2747) recommending that H.B. No. 2845, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2845, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 19, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2748) recommending that S.C.R. No. 120, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 120, S.D. 1, entitled: "SENATE CONCURRENT

RESOLUTION EXPRESSING SUPPORT FOR THE HAWAII PUBLIC HOUSING AUTHORITY'S PLAN TO IMPLEMENT THE TENANT MONITOR PROGRAM," was referred to the Committee on Ways and Means.

Senators Gabbard and English, for the Committee on Energy and Environment and the majority of the Committee on Transportation, International and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2749) recommending that H.C.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2749 and H.C.R. No. 67, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was deferred until Thursday, March 18, 2010.

**ORDER OF THE DAY**

**THIRD READING**

H.B. No. 1900, S.D. 1:

On motion by Senator Espero, seconded by Senator Bunda and carried, H.B. No. 1900, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hemmings).

At this time the Chair made the following announcement:

"Referrals and re-referrals are made in accordance with the referrals and re-referrals listed on the Order of the Day and the Supplemental Order of the Day that may be distributed to your offices later this afternoon."

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

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| S.C.R. No.:    | Re-referred to:   |
| S.C.R. No. 175 | Jointly to the Committee on Water, Land, Agriculture, and Hawaiian Affairs and the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Education and Housing, then to the Committee on Ways and Means |
| S.C.R. No. 224 | Committee on Economic Development and Technology, then to the Committee on Water, Land, Agriculture, and Hawaiian Affairs   |

**RE-REFERRAL OF A SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

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| S.R. No.:    | Re-referred to:   |
| S.R. No. 115 | Committee on Economic Development and Technology, then to the Committee |

on Water, Land, Agriculture, and Hawaiian Affairs

Senator Hee, Chair of the Committee on Water, Land, Agriculture, and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2582, H.D. 1 and H.B. No. 2409, H.D. 2.

Senator Hee noted:

"I request a waiver of the 48-hour notice requirement pursuant Rule 21 to hold a decision-making meeting on H.B. No. 2582. Your Committee heard this measure on March 10, but it was inadvertently left off of today's decision-making notice.

"I also request a waiver of the 72-hour notice requirement to hold a public hearing on H.B. No. 2409, H.D. 2. Your Committee received a late request to hear this measure, and we would like to add it to this afternoon's agenda."

The Chair granted the waiver.

Senator Takamine, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1390, H.D. 2.

Senator Takamine noted:

"I also request a waiver of the 72-hour notice requirement pursuant to Senate Rule 21 in order to hold a public hearing on H.B. No. 1390, H.D. 2, Relating to Workers' Compensation. Your Committee is attempting to address a deficiency in the operation of the workers' compensation system, and therefore the request."

The Chair granted the waiver.

**ADJOURNMENT**

At 12:16 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, March 18, 2010.